

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

953 CIVIL APPLICATION NO.11044 OF 2021
IN FAST/24731/2021

SAGRABAI PRALHADRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA ANDORS

...
Advocate for Applicant : Mr. A.A. Khande h/f. Mr. V.D. Bhise
AGP for Respondents 1 & 2 : Mr. K.N. Lokhande
Advocate for Respondent 3 : Mrs. Gita Deshpande
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CORAM : ARUN R. PEDNEKER, J.
DATED : 01/09/2023

PER COURT :

1. The present first appeal is filed along with application for condonation of delay of 4494 days caused in filing the first appeal.
2. The learned counsel for the appellant submits that in the identical facts, situation, and arising out of the same acquisition proceedings, this Court by order dated 30.8.2022 in Civil Application No. 13380/2021 in First Appeal St. No. 31546/2021 has condoned the delay of 4365 days caused in filing the first appeal, subject to condition that the applicant shall not claim any interest for the aforesaid delay period.
3. The learned counsel for the appellant submits that the financial condition of appellant is very poor and the land of the appellant was compulsorily acquired and the land is the only source of income of the appellant.
4. The learned AGP as well as the learned counsel for the Acquiring Body has strogly opposed the application.
5. However, considering the statutory right of the applicant and in the interest of justice, so also this Court in earlier matter has condoned the

delay, the delay caused in filing the present first appeal is condoned, subject to condition that the applicant shall not claim any interest for the aforesaid delay period. The application is allowed.

6. The first appeal be registered.

7. The learned counsel for the appellant submits that the first appeals arising out of the same acquisition proceedings are already decided by this Court and he submits that the judgment passed in other matter is applicable to the present case.

8. The learned AGP waives service of notice for respondent Nos. 1 and 3. Mrs. Geeta Deshpande, learned counsel waives service for respondent No. 3/ Acquiring Body.

9. List the matter on 13.10.2023.

[ARUN R. PEDNEKER J.]

ssc/